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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/284,699	04/19/1999	YASUSHI TANAKA	450108-4542	2687

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NEW YORK, NY 10151

EXAMINER

SALCE, JASON P

ART UNIT	PAPER NUMBER
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2623

MAIL DATE	DELIVERY MODE
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07/19/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/284,699

Applicant(s)

TANAKA, YASUSHI

Examiner

Jason P. Salce

Art Unit

2623

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 April 2007.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-11 and 14-35 is/are pending in the application.
- 4a) Of the above claim(s) 36 is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-11 and 14-35 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☒ Claim(s) 36 are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Election/Restrictions

Newly submitted claim 36 is directed to an invention that is independent or distinct from the invention originally claimed for the following reasons: Claim 36 is directed to a transmitter device comprising multiple elements not found in the previous claims and therefore creating additional search burden for the examiner.

Since applicant has received an action on the merits for the originally presented invention, this invention has been constructively elected by original presentation for prosecution on the merits. Accordingly, claim 36 is withdrawn from consideration as being directed to a non-elected invention. See 37 CFR 1.142(b) and MPEP § 821.03.

Claim Rejections - 35 USC § 112

The following is a quotation of the first paragraph of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

Claims 1-11 and 14-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the written description requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

Referring to claim 1, Applicant has amended the claims to recite, "wherein, when a cursor is moved onto a program column of the program guide screen, each of said

commercial information is automatically transmitted from a remote network server". The examiner notes that the specification fails to teach sending a complete group of commercial information when the viewer selects a program guide cell (only information regarding a single URL).

Further referring to claim 1, Applicant has further amended the claims to recite, **"wherein, when a cursor is moved onto a program column of the program guide screen, each of said commercial information is automatically transmitted from a remote network server of the commercial information sponsor and displayed successively, shifted temporally from one another"**. Accessing a window with commercial information is disclosed Figure 12 (see window A3) of the specification. Further, the specification also teaches that when window A3 (containing a single piece of commercial information) is selected, a web page is accessed and displayed to a viewer (see Paragraph 0116). The examiner notes that commercial information is the information (transmitted with the EPG) being displayed to the viewer in window A3 of Figure 12 and that the Applicant has confused the commercial information (processed in the first paragraph of the claim) with the actual web page data received over the remote network (in the second paragraph of the claim). Therefore, the claim fails to teach that each of said commercial information is automatically transmitted upon selection of a program column, because the only recitation in the specification of when information is transmitted from a remote network (in relation to a selected program guide column) is when a web page is selected for display.

Further referring to claim 1, Applicant has further amended the claims to recite, "wherein, when a cursor is moved onto a program column of the program guide screen, each of said commercial information is automatically transmitted from a remote network server of the commercial information sponsor and **displayed successively, shifted temporally from one another**". Support for the amendment is stated at Paragraph 0138, however the examiner notes that this paragraph only refers to the CM data displayed in window A3, which is transmitted with the electronic program data (first paragraph of the claim), not when accessed from a remote network (accessing of a web page displayed in Paragraph 0116). Therefore, only the CM data received with the electronic program guide data is displayed successively and shifted temporally, not the web page data received from the remote network.

Referring to the remaining claims, see the rejections of claim 1.

Claims 1-11 and 14-35 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter, which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

In regards to claim 1, Applicant has amended the claims to recite, "wherein, when a cursor is moved onto a program column of the program guide screen, **each of said commercial information is automatically transmitted from a remote network**

server of the commercial information sponsor and displayed successively, shifted temporally from one another”.

The examiner notes that if the commercial information is processed and transmitted together with the program guide information (first paragraph of the claim), then according to the teachings of the specification, it would be impossible to again retrieve the same commercial information upon selecting a program guide column (second paragraph of the claim) because the information had already been received with the received EPG data (first paragraph of the claim).

Further, the claims state successively displaying the commercial information received from a remote network, shifted temporally from one another. However, as discussed above, only web page data is retrieved from the remote network disclosed in Paragraph 0116 in the specification of the instant application and the only data that is displayed successively and shifted temporally from one another is the CM data (commercial information) displayed in window A3 (Paragraph 0138), not the web page data accessed in Paragraph 0116. Again, Applicant has confused the commercial data (displayed successively and shifted temporally in Paragraph 0138) and the web page data accessed from the remote network (Paragraph 0116).

Referring to the remaining claims, see the rejections of claim 1.

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jason P. Salce whose telephone number is (571) 272-7301. The examiner can normally be reached on M-F 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Miller can be reached on (571) 272-7353. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

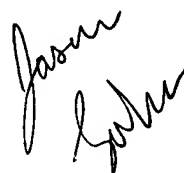
Art Unit: 2623

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Jason P Salce
Primary Examiner
Art Unit 2623

July 16, 2007

JASON SALCE
PRIMARY PATENT EXAMINER

A handwritten signature in cursive script, appearing to read "Jason Salce", is written over the printed name and title.